
6.0

Filing a New Case

One of the benefits of Electronic Case Filing user permissions is the ability to file a new case electronically via the internet and receive a case number upon completion of your filing. This section will outline the steps involved in filing a new case in ECF.

Some attorneys use software to prepare new cases for filing, so some of the steps outlined in this section will differ, depending on the software you may be using. Be sure that whatever software you are using adheres to filing requirements.

The District of Utah requires that the **Petition and Statement of Financial Affairs and Schedules appear as separate document entries** on the docket sheet. Entering a **Statement of Social Security Number** using Form B21, is a requirement as of 12/1/03.

This chapter will cover:

- Filing a new Bankruptcy Case
- Assigning a Judge and Trustee
- Filing an Involuntary Case
- Filing a new Adversary Proceeding
- Issued Summons

6.1

Open a New Bankruptcy Case

As mentioned on the previous page, the District of Utah requires that the **Petition** and **Statement of Financial Affairs and Schedules** appear as separate document entries on the court docket. If you are using case opening software, the filing of the statements and schedules, creditor matrix and plan may be accomplished by the application software. If so, be sure that whatever software you are using adheres to filing requirements.

A **Statement of Social Security Number**, using Form B21, is required as of 12/1/03. This docketing event can be found in the Other Category.

STEP 1 Select Open a BK Case from the Bankruptcy menu option. The registered user will then type in and verify the case information required on each screen. On the first screen you will identify the case chapter and whether the case is a joint filing (see Figure 1).

Click [Next]

ECF Bankruptcy Adversary Query Reports Utilities Logout

Open New Bankruptcy Case

Case type

Date filed

Chapter

Joint Petition

Deficiencies

Figure 1

The District of Utah does not use the Deficiency field, so you would leave it defaulted to "n".

STEP 2 Create your party as outlined in section **4.2: Creating a Party**.

When creating a **party record for the Joint Debtor**, select **Debtor as Role type**, not Joint Debtor.

Remember: You must create a new party record for new cases to prevent an incorrect party from being selected.

- Click on [Next] at Divisional Office screen.

STEP 3 Select the Type of Debtor and the remaining fields shown in figure 2.

- **Fee Status** field:

When you are filing a case in installments, you must complete an Application to Pay in Installments. Installment cases filed electronically can have only two payments on the application. The installment amounts are required as follows. These amounts must be entered in the fee field discussed in Step 4:

Chapter	1st Installment	2nd Installment
Chapter 7	\$105.00	\$104.00
Chapter 13	\$ 97.00	\$ 97.00
Chapter 11	\$420.00	\$419.00

Asset Notice field:

If you are filing a **chapter 7**, the Asset Notice field will be **always N** on this screen **Chapter 13** you must **change to Y**.

Click on [Next] to continue to next screen.

*If you select the **installment** option from the fee status field, you must also file an Application to Pay in Installments. Cases filed electronically, can only have two equal payments total. If you require more payment options, the case should be filed at the court.*

Figure 2

STEP 6 Review the **Final Docket Text** screen before submitting the case. By clicking on the [Next] button in Figure 4, the case will be sent to the court's database.

Users are strongly encouraged to pay all filing fees by the end of each day.

STEP 7 The fee payment options will appear in the pop-up window. Select your payment option. See **sections 9: Internet Credit Card Processing** and **section 10: ECF Utilities**, for further information on credit card processing and on-line payments.

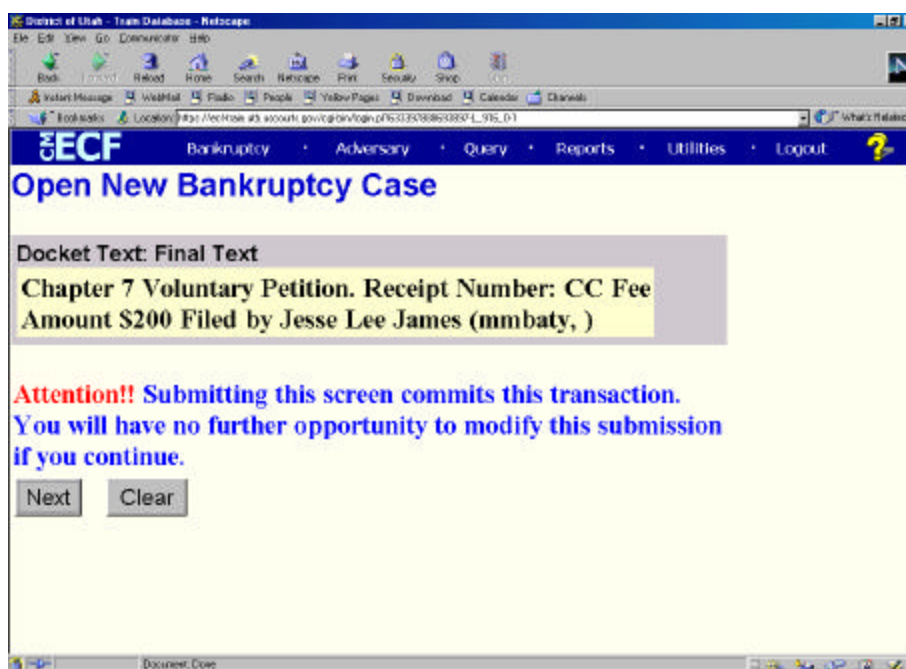


Figure 4

Statement of Financial Affairs and Schedules are submitted as one document found in the Other category. The Chapter 13 Plan event can be

6.2

Judge/Trustee Assignment

Selecting the Judge/ Trustee Assign option, shown in Figure 6, will assign a judge and trustee in all cases entered for that login.

The attorney users may want to select this option after entering all cases for that day. If you have multiple user accounts, you will need to login to each account and request the assignment separately. If the user does not click on Judge/Trustee Assign, the system will automatically assign the parties to the cases filed at the end of the day.

Be sure to request assignment of your judge and trustee for each login used.

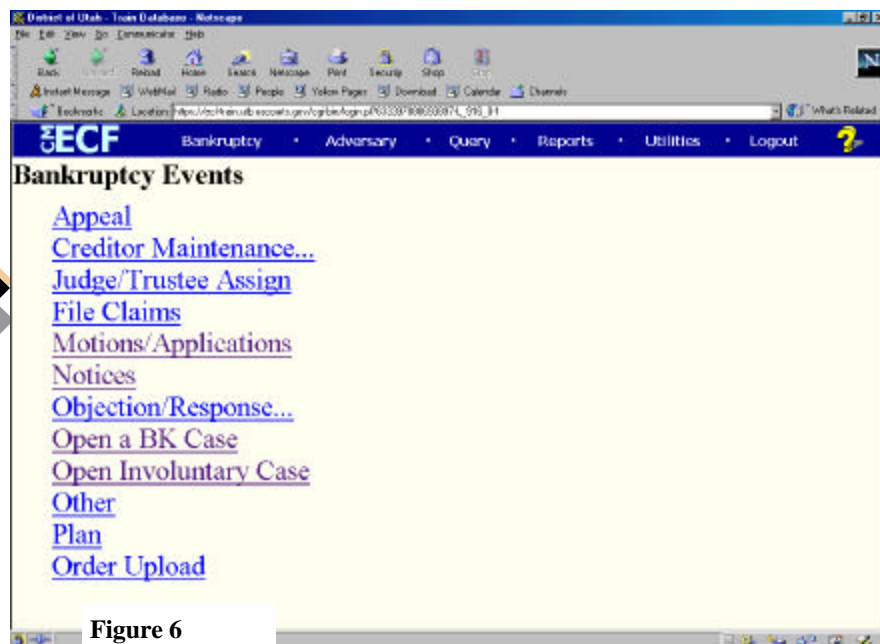


Figure 7 is an example of the screen that appears. The list is displayed by case number. It will also include the debtor(s) name, then the judge and trustee assigned to the case. The column for 341 Meeting is blank at this time. Depending on what changes are made to the ECF system in the future, this field may provide the 341 hearing date and time when the judge and the trustee are assigned.

Case	Case Title	Chapter	341 Meeting	Judge Name	Trustee Name
3-25658	Jesse Lee James	7		Thurman, William T.	Mosier, R. Kimball

Figure 7

6.3

Open An Involuntary Case

An involuntary petition is filed by creditors against an alleged debtor to force that party into bankruptcy under either chapter 7 or chapter 11. Neither a list of creditors nor a customary schedules are required when the petition is filed. The alleged debtor is served a summons which must be answered within 20 days of service of the summons. If and when a judge enters an order for relief, the trustee will be assigned and the 341 meeting of creditors and appropriate deadlines will be set. The case continues as a typical bankruptcy case under either chapter 7 or 11.

The date field is entered automatically and the deficiency field is left at the default of [n].

- | | |
|--------|---|
| STEP 1 | Select Open an Involuntary Case under the Bankruptcy menu option. |
| STEP 2 | Enter chapter and joint petition information in the first screen. |
| STEP 3 | Search for an existing party record as outlined in section 4: Adding/Creating a Party . Create the party record if a <i>No Person Found</i> message appears. |
- Adding the Petitioning Creditors before adding the alleged debtor is recommended.

- Click on [Next] at Divisional Office screen.
- The following screen will remind the filer to change the *Voluntary* field to *Involuntary* (see Figure 1).

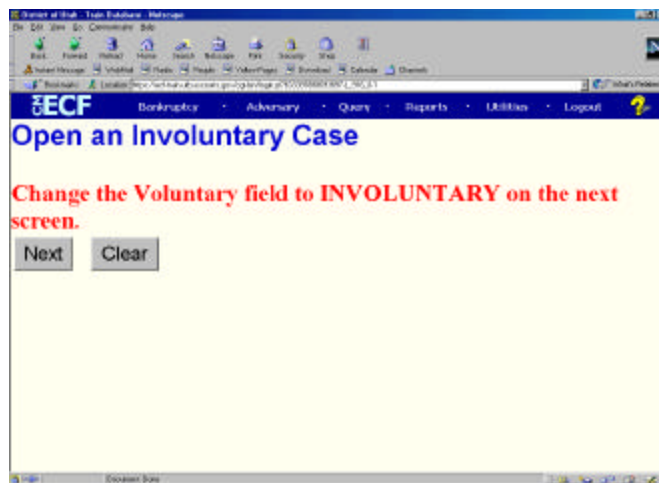


Figure 1

- STEP 4 Enter the information from the petition in the Statistical Data screen. (See Figure 2).
- Select the Type of Debtor by clicking in the appropriate box.
 - Select the Fee Status value.
 - Designate the Nature of Debt as Consumer or Business.
 - Select the Involuntary option.
 - Leave the Origin field at default.
 - Select [No] for the Asset Notice designation.
 - Leave the Estimated Creditors, Estimated Assets and Estimated Debts at the default values since this information is not known.

Statistical Data

Type of debtor ☒ Individual ☐ Corporation ☐ Partnership ☐ Other
☐ Railroad ☐ Stockbroker ☐ Commodity Broker

Fee status

Nature of debt

Voluntary

Origin

Date split/transfer

Asset notice

Estimated number of creditors

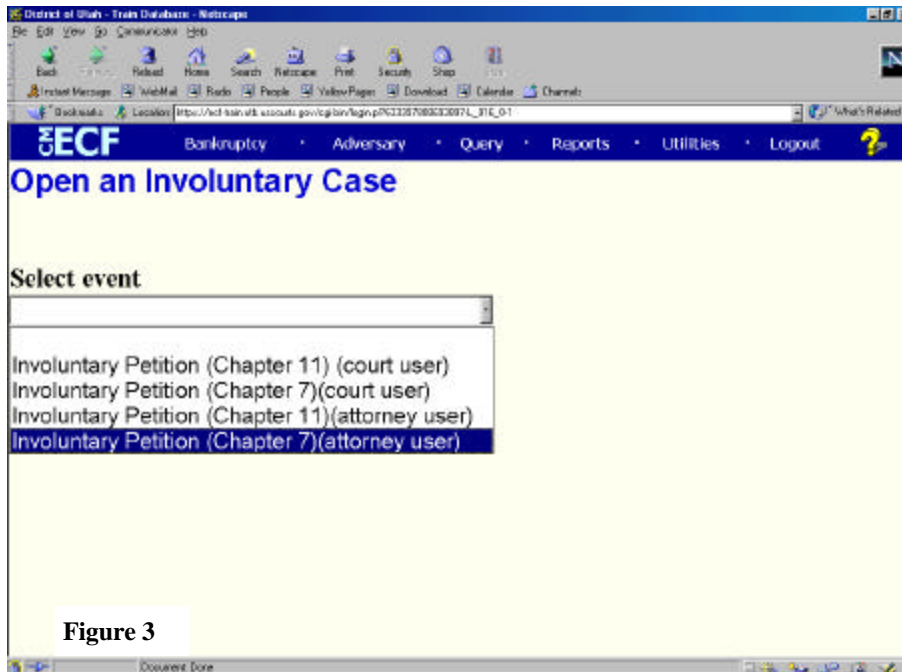
Estimated assets

Estimated debts

Next Clear

Figure 2

STEP 5 Select the appropriate Involuntary Petition option for an attorney user (see Figure 3).



STEP 7 The final text screen will show the Petitioning Creditors as the parties filing the case. Review the final text and submit case to the court. The case number will be displayed on the Electronic Notification screen.

STEP 8 The fee payment options will appear in the pop-up window. Select your option. See sections 9 and 10 for further information on credit card processing and on-line payments.

6.4

Open a New Adversary Proceeding

You will notice exceptions to some standard procedures discussed in previous sections when filing a new adversary proceeding. Be sure to follow the instructions very closely.

STEP 1 Select Open an AP Case under the Adversary menu option. The first screen will default to Case type ap and y for a Complaint. To file an adversary case click [Next] and continue.

STEP 2 Enter the main bankruptcy case number, to which this adversary case is related, in the Lead case number field. The Association type will default to Adversary. Click on the [Next] button.

- The screen that follows will display the division assigned to the case based on the lead case division assignment. Click the [Next] button.

STEP 3

The **Search for a Party** screen will appear next. When filing a new adversary, **you must always add the Plaintiff(s) and Defendant(s) by creating a new party record**, using the procedures outlined in Section 4.2: **Creating a Party**. Do not enter an address for Plaintiff and Defendant.

You will be required to record the attorney for the plaintiff in the case by clicking the [Attorney] button as shown in Figure 1. You will **only enter the attorney for plaintiff not defendant**. You don't want to assume who will enter an appearance in the adversary proceeding for the defendant.

*As indicated in the **Important Note** on previous page, the procedures for adding a party record and the attorney for the plaintiff differ from previous sections.*

The screenshot shows a Netscape browser window displaying the 'District of Utah - Trust Database' page. The browser's address bar shows a URL starting with 'https://ecf-bankr.utah.uscourts.gov/cgi-bin/...'. The page has a blue header with the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main content area is titled 'Party Information' and contains a form for 'Wells Fargo Bank' with 'SSN:Unknown'. The form includes fields for Office, Address 1, Address 2, Address 3, City, State, Zip, County, Country, Phone, Fax, E-mail, ProSe (set to 'no'), and Role (set to 'Plaintiff (pla;pty)'). There is a 'Party text' field and buttons for 'Attorney...', 'Alias...', 'Review...', 'Submit', 'Cancel', and 'Clear'. A note states: 'Add all attorneys and aliases before clicking the Submit button.'

Figure 1

If your attorney record in the court's database is not accurate, you should update your party record for all cases through the Utilities menu option rather than at this point.

STEP 4

The **Search for an Attorney** screen will allow you to enter your bar Id or use your last name to find your party record in the court's database. Highlight the attorney and click on [Select Name from List] (see Figure 2).

If search results provide more than one name, highlight each name and a pop-up window will display each party record on file and allow the filer to select the correct party.

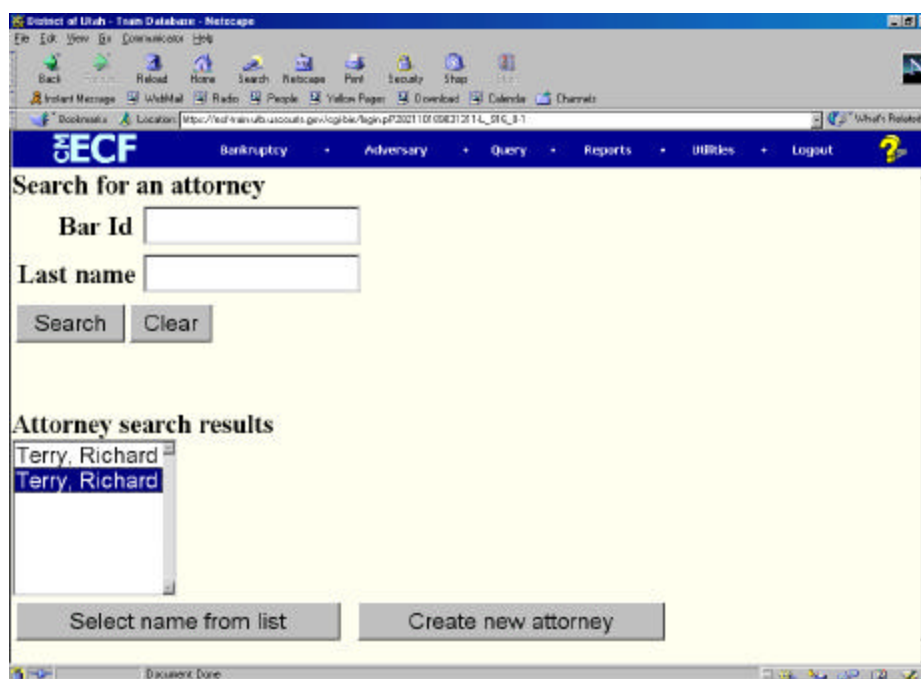


Figure 2

- The screen that follows will display the attorney record on file. Click the [Add Attorney] button. You will be returned to the **Party Information** screen. If all information has been added correctly, click on the [Submit] button. The **Search for a Party** screen will reappear. If all parties for the case have been added then click on the [End Party Selection] button

STEP 5 Enter the information specific to your case on the screen shown in Figure 3. Click the [Next] button.

ECF
Open Adversary Case

Party code 3 U.S. not a Party

Nature of suit 424 (Obj/Revocation Discharge 727)

Origin 1 Original Proceeding

Transfer date

Rule 23 (class action) n

Jury demand None

Demand (\$000) 40

Next Clear

The dollar demand field is in thousands so in order to demonstrate a demand of \$40,000.00 you would just enter 40.

Figure 3

STEP 6 To browse and attach the document refer to section **2.4: Attaching a PDF Document**. Click on the [Next] button.

Although, you will see a screen similar to the one in Figure 3, on page 74, your transaction is not committed until after the screen that follows (see Figure 4).

STEP 7 Verify your final text information and click on the [Next] button to send the new adversary case to the court.

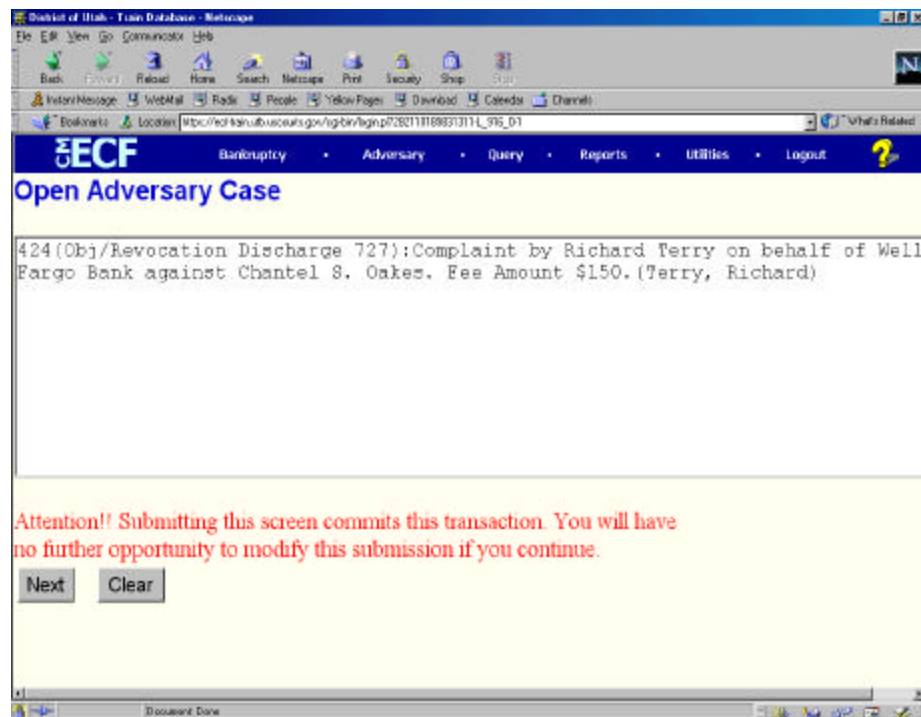


Figure 4

- The fee payment options will appear in the pop-up window. Select your payment option. See **sections 9: Internet Credit Card Processing** and **section 10: ECF Utilities**, for further information on credit card processing and on-line payments.
- The adversary case number, assigned to your case, will be displayed on the **Electronic Notification** screen (see Figure 5). The main bankruptcy number associated with the adversary, will be displayed below the adversary number.

Users are strongly encouraged to pay all filing fees by the end of each day.

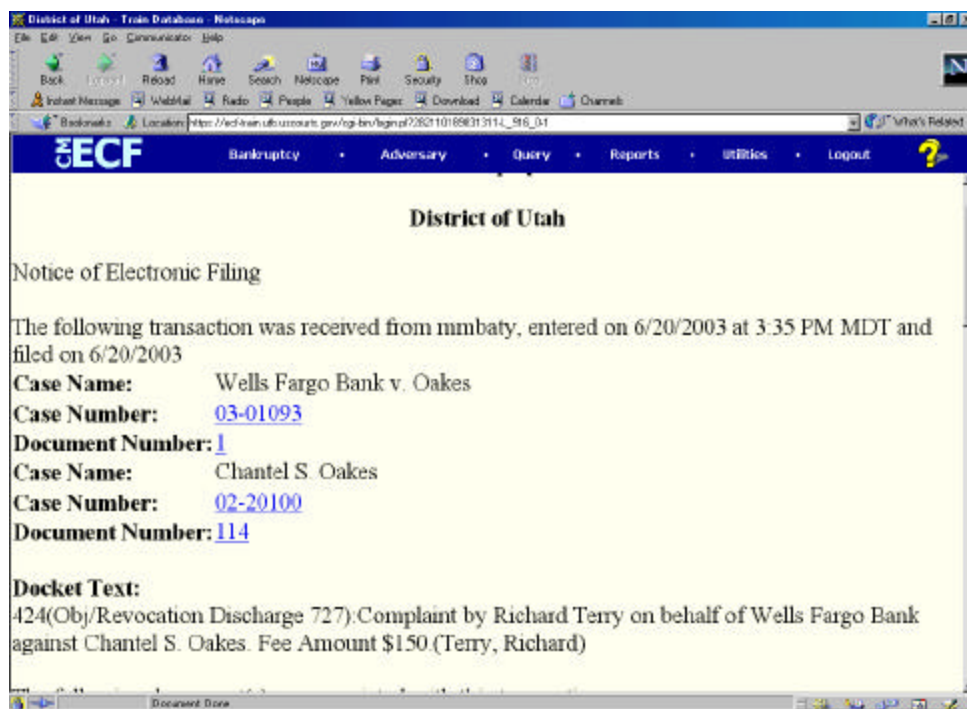
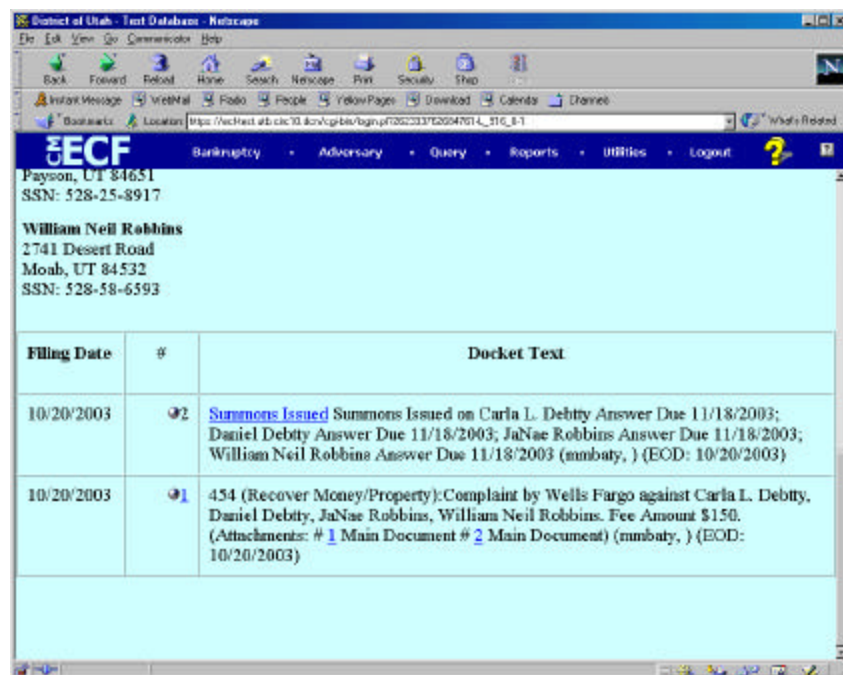


Figure 5

6.5

Issuance of Summons

Upon completion of an adversary case, the Report of Electronic Mailing will now include an additional section for the summons. The user may select the Summons Issued hyperlink that has been added to the Report of Electronic Mailing upon completion of a new adversary case, or the summons entry that is entered on the adversary case docket, to access the issued summons (see figure 1).



The screenshot shows the ECF system interface with a docket entry for a summons issued on 10/20/2003. The interface includes a header with the ECF logo and navigation links. The docket entry is displayed in a table format with columns for Filing Date, #, and Docket Text.

Filing Date	#	Docket Text
10/20/2003	2	Summons Issued Summons Issued on Carla L. Debity Answer Due 11/18/2003; Daniel Debity Answer Due 11/18/2003; JaNae Robbins Answer Due 11/18/2003; William Neil Robbins Answer Due 11/18/2003 (mmbaty,) (EOD: 10/20/2003)
10/20/2003	1	454 (Recover Money/Property): Complaint by Wells Fargo against Carla L. Debity, Daniel Debity, JaNae Robbins, William Neil Robbins. Fee Amount \$150. (Attachments: # 1 Main Document # 2 Main Document) (mmbaty,) (EOD: 10/20/2003)

Figure 1

Information, such as the lead case, plaintiff, defendant, address of the clerk's office and attorney for plaintiff, is extracted from the case and inserted on the summons form, shown in Figure 2. The second page of the summons is provided for return of service. The user simply prints the summons to be served.

The **answer deadline for the automatic summons is calculated from the date the adversary case is filed**. If service is not provided within the deadline period, a manual summons will be prepared by the Court.

The screenshot shows a Netscape browser window titled "District of Utah - Fast Database - Netscape". The address bar shows a URL starting with "https://ecf-test.uts.c...". The browser displays the ECF (Electronic Case Filing) system interface. The main content area shows a "SUMMONS BY ADVERSARY PROCEEDING" form. The form includes the following text and fields:

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 15 days.

Address of Clerk

Clerk, U.S. Bankruptcy Court
District of Utah
Frank E. Moss Courthouse
250 South Main Street #300, Salt Lake City

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney

attorney

If you make a motion, your time to answer is governed by Federal Rule of Bankruptcy Procedure 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGEMENT BY THE BANKRUPTCY COURT AND JUDGEMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

The form is signed by "L. J. ... A. S. ...". The bottom of the form features the "United States Bankruptcy" logo and the date "10/20/2003". The browser status bar at the bottom indicates "Document Done".

Figure 2

NOTES